

# EXHIBIT K

**From:** [Eldridge, Amy J.](#)  
**To:** [James Kolenich \(jek318@gmail.com\)](#)  
**Cc:** [Longstreth, John](#); [Odom, Linda C.](#); [Cohen, Dan S.](#)  
**Subject:** FW: Kessler v. City of Charlottesville - City's First Set of Discovery  
**Date:** Wednesday, June 27, 2018 5:19:10 PM  
**Attachments:** [Kessler v. Charlottesville - Proposed Protective Order.docx](#)

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Mr. Kolenich,

I'm forwarding you a copy of the draft confidentiality order. We look forward to receiving any comments.

Thank you,  
Amy

**K&L GATES**

**Amy J. Eldridge**  
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**From:** Longstreth, John  
**Sent:** Wednesday, June 20, 2018 10:25 PM  
**To:** [Jek318@gmail.com](#)  
**Cc:** [Odom, Linda C.](#); [Eldridge, Amy J.](#); [Cohen, Dan S.](#)  
**Subject:** RE: Kessler v. City of Charlottesville - City's First Set of Discovery

Mr. Kolenich, your discovery responses offer dropbox access as to responsive documents (other than the six emails you forwarded separately) and ask for our agreement to keep this material confidential, which you define as "not publicized though it can be used in the ordinary course of litigation." We hereby so agree on an interim basis, and ask that you advise us now how to you would prefer we access the dropbox documents, whether by giving us the log-in information or by having us establish an FTP site to which the files can be transferred. Please work with Danny Cohen, who is copied on this email, to arrange that.

Longer term we believe confidentiality should be handled via the terms of a standard protective order, as it has been in the related case before Judge Moon. Attached is a draft order similar to the one in that case, which also includes standard provisions as to matters such as challenging designations, use of confidential material in depositions, and inadvertent disclosure.

Although our interim agreement to hold all of your produced materials as if they had been designated as "confidential" under the attached order suffices to move things along for now, we ask for the sake of good order that you provide us any comments on the draft by end of the day tomorrow so that we can get the order finalized and filed with Judge Moon.

Thank you.

## K&L GATES

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**From:** James Kolenich <[jek318@gmail.com](mailto:jek318@gmail.com)>

**Date:** June 20, 2018 at 6:32:33 PM EDT

**To:** "Odom, Linda C." <[Linda.Odom@klgates.com](mailto:Linda.Odom@klgates.com)>

**Subject:** Re: Kessler v. City of Charlottesville - City's First Set of Discovery

Please find attached Jason Kessler's discovery responses. Let me know how to provide you with dropbox access as to our responsive docs. Prior to that we would like your agreement that the responsive docs will be kept confidential, that is not publicized though it can be used in the ordinary course of litigation. The dropbox contents has been vetted and there is no privileged material contained therein.

I will be forwarding 6 emails that are responsive. Please consider these emails confidential as well.

Jim

On Wed, Jun 20, 2018 at 3:45 PM, Odom, Linda C. <[Linda.Odom@klgates.com](mailto:Linda.Odom@klgates.com)> wrote:

Thanks for the update.

Linda

**From:** James Kolenich [<mailto:jek318@gmail.com>]

**Sent:** Wednesday, June 20, 2018 3:11 PM

**To:** Odom, Linda C.

**Subject:** Re: Kessler v. City of Charlottesville - City's First Set of Discovery

Hi Linda: Working on it now, Definitely will get it to you today.

Jim

On Wed, Jun 20, 2018 at 3:00 PM, Odom, Linda C. <[Linda.Odom@klgates.com](mailto:Linda.Odom@klgates.com)> wrote:

Elmer and Jim,

I am writing to follow-up on my call with Elmer this morning. Mr. Kessler's discovery responses were due yesterday and, given the approaching depositions, we will have to file a motion to compel production tomorrow if we do not receive your written responses and the documents by the end of today. We are particularly interested in all of Mr. Kessler's social media postings (videos and texts), mobile phone texts, chat room discussions, Discord, 4Chan, 8 Chan and other posts (text or video), and any encrypted messages such as he might have sent using WhatsApp or other encrypted messaging apps or programs, whether on a mobile device or computer, as well as any hard copy documents relating to his planning for the Unite the Right 2 rally and his permitted rally in Washington, DC. Please let us know as soon as you can whether you can provide these and the other requested materials and responses by 5:30 today.

Regards,  
Linda